

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

March 23, 2012

Mr. Daniel H. Rice  
(Address withheld)  
(Address withheld)

Re: Amateur Radio License KJ6FYX  
Warning Notice  
EB-12-GB-0089

Dear Mr. Rice:

The trustee of N6HOG has requested multiple times that you refrain from use of his repeater. These requests were made as a result of your failure to follow operational rules set forth by the licensee/control operator of the repeater system for his users.<sup>1</sup> You have failed to comply with the formal written request as well as you were heard and recorded operating on the system more than a dozen times by the control operator and the club president since the January 14, 2009, letter was sent.

The Commission requires that repeaters be under the supervision of a control operator and not only expects, but requires, that such control operators be responsible for the proper operation of the repeater system. Control operators may take whatever steps they deem appropriate to ensure compliance with the repeater rules, including limiting the repeater use to certain users, converting the repeater to a closed repeater or taking it off the air entirely.

Please be advised that the Commission expects you to abide by the request of the trustee that you stay off of N6HOG – and any other similar requests to cease operations on any other repeaters by any other repeater licensees, control operators or trustees.

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<sup>1</sup> In a letter dated July 11, 2011, Mr. Barry Logan (the trustee) advised you that you were restricted from operating on the repeater. On July 12, 2011, Mr. Logan followed up with a registered letter. At least twice a month since that time Mr. Logan has had to verbally remind you that you are prohibited from using the repeater.

Use of N6HOG again after receipt of this letter could subject you to severe penalties, including license revocation, monetary forfeiture (fine)<sup>2</sup> or a modification proceeding to restrict the frequencies upon which you may operate.

Sincerely,

Laura L. Smith, Esq.  
Special Counsel  
Enforcement Bureau

Cc: San Diego Field Office  
Western Regional Director

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<sup>2</sup> Fines normally range from \$7,500 to \$10,000.